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E-FILED \*\*\*6/22/07\*\*\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-00013 RMW
	)	
Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>HEARING AND EXCLUDE TIME;</b>
v.	)	<del>PROPOSED</del> <b>ORDER</b>
	)	
ANTONIO RODRIGUEZ-REYES,	)	
	)	
Defendant.	)	
	)	

Defendant and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for Monday, July 23, 2007, should be continued to August 20, 2007. The continuance is requested because the defense has received documents from Mr. Rodriguez-Reyes' "Central File" maintained by the California Department of Corrections, and is providing copies to the government for its consideration. In view of the defense, these documents are relevant to the government's settlement offer. Additionally, government counsel will be unavailable on the presently scheduled court date in July.

The parties further agree that time should be excluded under the Speedy Trial Act from July 23, 2007, to August 20, 2007, because the defense and the government require time for

1 investigation and preparation, and the ends of justice outweigh the defendant's and the public's  
2 need for a speedy trial. Additionally, an exclusion is appropriate to allow for continuity of  
3 counsel.

4 Dated: 6/19/07

/s/\_\_\_\_\_  
LARA S. VINNARD  
Assistant Federal Public Defender

6 Dated: 6/20/07

/s/\_\_\_\_\_  
JOSEPH FAZIOLI  
Assistant United States Attorney

8  
9 **ORDER**

10 The parties have jointly requested a continuance of the hearing set for July 23, 2007, on  
11 grounds that the defense is providing documents to the government, which the government will  
12 require time to consider. Additionally, government counsel will be out of town on July 23.

13 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
14 presently set for July 23, 2007, be continued to August 20, 2007, at 9:00 a.m.

15 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
16 from July 23, 2007, to August 20, 2007, shall be excluded from the period of time within which  
17 trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

18  
19 Dated: 6/22/07

/s/ Ronald M. Whyte  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge